



**City of Cleveland**  
**Clerk of Council**

**ORDINANCE NO. 593-17**

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**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance to repeal Section 605.031, as amended by Ordinance No. 880-06, passed November 27, 2006; and to amend Section 471.06, as amended by Ordinance No. 1534-02, passed November 11, 2002, relating to aggressive solicitation and the use of highway for soliciting, riding in cargo storage area, on tailgate or on outside of a vehicle.**

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

Section 1. That Section 605.031, as amended by Ordinance No. 880-06, passed November 27, 2006, is repealed.

Section 2. That Section 471.06, as amended by Ordinance No. 1534-02, passed November 11, 2002, is amended to read as follows:

**Section 471.06 Use of Highway for Soliciting; Riding in Cargo Storage Area, on Tailgate or on Outside of Vehicle**

- (a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle. This division does not apply in the case of emergency or when the solicitation is due to the person engaging transportation for hire.
- (b) No person shall stand on a street or highway, or on any other portion of the right-of-way, including the berm, treelawn, shoulder, and sidewalk, and repeatedly stop, beckon to, or attempt to stop vehicular traffic by hailing, waving arms, or making other bodily gestures.

This division shall not be construed to prohibit a person from stopping, beckoning to, or attempting to stop vehicles due to emergency, or to warn drivers of danger, or to engage transportation or hire.

- (c) No person shall hang onto, or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under the authority of a public agency.
- (d) No operator shall knowingly permit any person to hang onto, or ride on the outside of any motor vehicle, streetcar, or trackless trolley while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under the authority of a public agency.
- (e) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of sixteen (16) years to ride in the unenclosed or unroofed cargo storage area of his or her vehicle if the vehicle is traveling faster than twenty-five (25) miles per hour, unless either of the following applies:

- (1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in division (A)(2) of RC 4513.263, the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;
- (2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer, or semitrailer.
- (f) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of his or her vehicle while the tailgate is unlatched.
- (g) No person shall leave or enter a vehicle that is in motion except in an emergency necessitating such action.
- (h) As used in this section, "street" or "highway" have the same meaning as in division (BB) of RC Section 4511.01.
- (i) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third and each subsequent offense. Whoever violates any other division of this section is guilty of a minor misdemeanor on the first offense; a misdemeanor of the fourth degree on a second offense; and a misdemeanor of the third degree on the third and each subsequent offense.

(RC 4511.51)

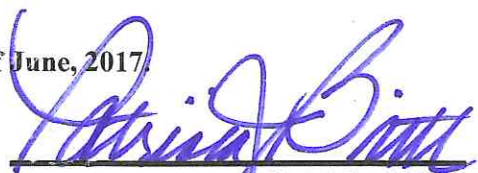
Section 3. That existing Section 471.06, as amended by Ordinance No. 1534-02, passed November 11, 2002, is repealed.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 5, 2017.  
Effective June 7, 2017.

I, Patricia J. Britt, City Clerk, Clerk of Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 593-17, passed by the Council of the City of Cleveland on June 5, 2017.

WITNESS my hand and seal at Cleveland, Ohio, this 9<sup>th</sup> day of June, 2017.



Patricia J. Britt  
City Clerk, Clerk of Council